

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Abdifatah Bashir Jama

Docket No. 0650 3:10CR00260 - 16

Petition for Action on Conditions of Pretrial Release

COMES NOW Daniel S Blackledge-White, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Abdifatah Bashir Jama
who was placed under pretrial release supervision by the Honorable John S. Bryant
sitting in the Court at Nashville, Tennessee, on May 18, 2012, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:

Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Daniel S Blackledge-White Nashville, TN

October 24, 2012

U.S. Pretrial Services Officer

Place:

Date:

Next Scheduled Court Event

Bond Revocation
Event

October 26, 2012
Date

PETITIONING THE COURT

- ☐ No Action
☐ To Issue a Warrant

- ☐ To issue an order setting a hearing on the petition
☒ Other The petition dated October 12, 2012, is
superseded to include another violation.

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant.

- ☐ A Hearing on the Petition is set for

- ☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only)

Date

Time

- ☒ Other The petition dated October 12, 2012 is superseded by
this petition in order to include violation No. 3.

Considered and ordered this 26th day
of October, 2012, and ordered filed
and made a part of the records in the above
case.

John Bryant
Honorable John S. Bryant
U. S. Magistrate Judge

Honorable John S. Bryant
Superseding Petition for Action on
JAMA, Abdifatah
Case No. 3:10-CR-00260-16
October 24, 2012

On November 8, 2010, the above referenced defendant was arrested in the Middle District of Tennessee, on a Superseding Indictment which charged him with the following counts, to wit:

- Ct. 1: Conspiracy to Recruit, Entice, Harbor, Transport, Provide, Obtain or Maintain Anyone Under the Age of 14 and Under the Age of 18 for Purposes of Engaging in a Commercial Sex Act, in violation of 18 U.S.C. § 1594(c) & 2;
- Ct. 2: Conspiracy to Benefit Financially or by Receiving Anything of Value, from Participating in a Venture Which Recruits, Entices, Harbors, Transports, Provides, Obtains or Maintains Anyone Under the Age of 14 and Under the Age of 18 for Commercial Sex, in violation of 18 U.S.C. § 1594(c) & 2;
- Ct. 11: Whoever Knowingly Recruits, Entices, Harbors, Transports, Provides, Obtains or Maintains Anyone Under the Age of 14 and Under the Age of 18 for Purposes of Engaging in a Commercial Sex Act, in violation of 18 U.S.C. § 1591(a)(1) & 2; and
- Ct. 15: Conspiracy to Transport in Interstate Commerce Goods, Wares, Merchandise, Securities, and Money of the Value of \$5,000 or More Knowing the Same to Have Been Stolen, in violation of 18 U.S.C. § 371 & 2.

On November 19, 2010, the defendant was arraigned, and a detention hearing was held before Your Honor. Mr. Jama pled not guilty to all counts and was ordered detained.

On March 26, 2012, Counts 1, 2, and 11 of the Superseding Indictment were dismissed. On May 7, 2012, a Motion to Reconsider Pretrial Detention was filed, and on May 18, 2012, the defendant was released on a personal recognizance bond with pretrial supervision.

On August 22, 2012, a Third Superseding Indictment was filed in the Middle District of Tennessee. Mr. Jama is charged in Count 16, to wit: Conspiracy to Transport in Interstate Commerce Goods, Wares, Merchandise, Securities, and Money of the Value of \$5,000 or More Knowing the Same to Have Been Stolen, in violation of 18 U.S.C. § 371 & 2.

On September 18, 2012, the defendant was arraigned and entered a plea of not guilty to Count 16.

On October 12, 2012, a Petition for Action on Conditions of Pretrial Release was submitted to Your Honor. A sealed federal arrest warrant was issued. On October 17, 2012, the warrant was executed.

Mr. Jama appeared before the Court on October 18, 2012, and a bond review hearing was scheduled for October 26, 2012.

Special Conditions of Release:

Please reference the attached Order Setting Conditions of Release.

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Superseding Petition for Action on
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October 24, 2012

VIOLATION(S):

Violation No. 1: The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

On October 6, 2012, at approximately 10:30 p.m., Metropolitan Nashville Police Department (MNPd) officers were dispatched to the Sahara Café, located at 819 Murfreesboro Road, Nashville, Tennessee, in response to an assault. Upon their arrival, officers made contact with store keeper Emad Yousef. Mr. Yousef informed the defendant entered the store and attempted to purchase alcohol. According to Mr. Yousef, the defendant appeared to be extremely intoxicated. He informed he refused to sell Mr. Jama alcohol and repeatedly asked him to leave the premises. Mr. Yousef advised the defendant became belligerent and struck him in the face, which caused a bruise. Mr. Yousef positively identified the defendant, who was walking in close proximity to the business, as his assailant.

On October 7, 2012, at approximately 3:00 a.m., store keeper Jehad Yosef called MNPd and reported a robbery in progress. Officers were dispatched to the Shell gas station located at 822 Murfreesboro Road, Nashville, Tennessee, and took the alleged suspect, Mr. Abdulkarim, into custody. According to Mr. Yosef, he observed the suspect enter the business and attempt to steal a 24-ounce beer. He locked the door to prevent him from leaving the business, and the defendant approached the front door. Mr. Jama proceeded to bang on and strike the door with his hands. Mr. Yosef estimated the damage to the door is approximately \$1,000. Officers observed the defendant walking near the store, and he was detained. Mr. Yosef positively identified him as the person who damaged the door. Mr. Jama was taken into custody and charged with Assault, Bodily Injury (Case No. GS604755) and Vandalism Over \$1,000 (GS604754).

On October 8, 2012, Mr. Jama posted bond in both cases.

On October 11, 2012, Mr. Jama appeared in the General Sessions Court of Davidson County, Tennessee. According to the defendant, the victim failed to appear. The case is set for trial on November 8, 2012, at 9:00 a.m.

Violation No. 2: Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

On October 9, 2012, Mr. Jama submitted a urine specimen that was inconclusive for the presence of marijuana. The specimen was sent to Alere Laboratories, located in Gretna, Louisiana, and on October 12, 2012, it was confirmed positive for the presence of marijuana.

Mr. Jama indicated he rode to work with a man who smokes marijuana each day. He advised Pretrial Services that he sticks his head out of the window in an effort to not consume the smoke.

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Violation No. 3: Avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: Somalia Outlaws or Somalia Mafia Gangs, or codefendants on pending charges.

At the time Mr. Jama allegedly committed the offenses for which he was arrested on October 6 and October 7, 2012, he was in the company of Noreeldeem Abdulkarim. Mr. Abdulkarim was arrested on October 7, 2012, and charged with Public Intoxication and Resisting Stop, Frisk, Halt, Arrest, or Search (Case Nos. GS604752- 3). On October 16, 2012, Mr. Abdulakrim was convicted of Resisting Stop, Frisk, Halt, Arrest, or Search.

According to the Government, Mr. Abdulkarim previously testified before the Grand Jury and is a potential witness in the case.

Current Status of Case:

No trial date has been set at this time.

Probation Officer Action:

On June 5, 2012, the defendant was placed in Phase II of the U.S. Probation Office's Code-a- Phone program, a program whereby defendants call daily to ascertain whether they need to report to the U.S. Probation and Pretrial Services Office to submit a urine screen. Additionally, the defendant was cautioned against using illegal substances and advised the Court would be advised of any positive urine screens.

All of the defendant's previous urine screens were negative for all substances.

On October 8, 2012, the defendant contacted the supervising pretrial services officer to report his arrest. One of Mr. Jama's third party custodians, Asli Mohamed, also contacted this officer and advised of the defendant's new arrest. Mrs. Mohamed informed she no longer wished to act as a third-party custodian and inquired how she could have her name removed from the case.

Mr. Jama was instructed to report to the U.S. Probation and Pretrial Services Office on October 9, 2012.

On October 9, 2012, the defendant met with this officer subsequent to his presumptively positive drug screen. Mr. Jama was verbally reprimanded for both his new arrests and the positive drug screen. This officer discussed alternative means of transportation to and from work. Defendant Jama was instructed not to ride with or associate with any person who uses illegal substances. He was informed the Court would be notified of all violations, and that he would be placed on Phase I drug testing if his drug test returned positive for marijuana.

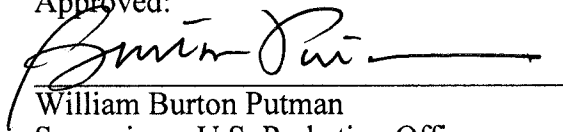
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Mrs. Mohamed telephoned the supervising officer on October 9, 2012, and informed she would remain as third-party custodian for the time being.

Respectfully Petitioning the Court as Follows:

Given the assaultive nature of Mr. Jama's new arrests for two unrelated courses of conduct, safety concerns for the community, and his association with a potential witness in his case, it is respectfully requested that the Court consider the additional infraction of Violation No. 3 at the hearing already scheduled for October 26, 2012. Assistant United States Attorney Van Vincent has been advised of the most recent violation and concurs with the recommendation of Pretrial Services.

Approved:


William Burton Putman
Supervisory U.S. Probation Officer

xc: Van Vincent, Assistant U.S. Attorney
Joe Edwards, Defense Counsel

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

Abdifatah Bashir Jama

Defendant

Case No. 3:10-00260 (16)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* _____ *to be notified*
Place

_____ on _____
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (✓) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- () (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or surrender to serve any sentence imposed.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

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ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

1) (X) (7) The defendant is placed in the custody of:

Person or organization Abdirahman Jama and Asli Mohamed

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: Abdirahman Jama

Custodian or Proxy

5/8/12
Date

1) (X) (8) The defendant must:

1) (X) (a) report to the Pretrial Services Office as directed

telephone number (615) 736-5771, no later than _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

1) () (d) execute a bail bond with solvent sureties in the amount of \$ _____

1) (X) (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

1) (X) (g) surrender any passport to: the Pretrial Services Office.

1) (X) (h) obtain no passport

1) (X) (i) abide by the following restrictions on personal association, place of abode, or travel: has green card, is a Permanent Resident
Tennessee, unless approved in advance by Pretrial Services.

1) (X) (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: Somalia Outlaws or Somalia Mafia Gangs, or codefendants on pending charges.

() (k) undergo medical or psychiatric treatment or remain in an institution as follows: _____

() (l) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

1) (X) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

1) (X) (o) refrain from () any (X) excessive use of alcohol.

1) (X) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

1) (X) (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

1) (X) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

() (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

() The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

() (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

() (ii) Radio Frequency (RF) monitoring;

() (iii) Passive Global Positioning Satellite (GPS) monitoring;

() (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

() (v) Voice Recognition monitoring.

1) (X) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

1) (X) (v) Defendant shall permit a pretrial services officer to visit him/her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the officer. Abdirahman Jama

1) (X) (w) Defendant must reside at the residence of Abdirahman Jama while on release.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Delisatiah Jama

Defendant's Signature

Nashville TN

City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: May 18, 2012

John Bryant

Judicial Officer's Signature

JOHN S. BRYANT, U.S. MAGISTRATE JUDGE

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

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